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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,656	11/15/2001	Masashi Yasuda	1560-0373P-SP	7457
2292 7590 01/25/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER COBANOGLU, DILEK B	
			ART UNIT 3626	PAPER NUMBER
			NOTIFICATION DATE 01/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/987,656

Applicant(s)

YASUDA ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See continuation sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER

Continuation of 3: "diagnosis by a doctor", "diagnosis communication device used for the diagnosis of the health condition of said target person by said doctor", "store identifying information of the diagnosis communication device for identifying said diagnosis communication device, in association with target person identification information", "calculate accounting information indicating a charge to said doctor who uses said diagnosis communication device", "wherein said evaluating operation includes generating information indicating the evaluation result of the health condition of said target person to be used for the notification to said doctor", "wherein said notifying operation includes transmitting said information indicating the evaluation result generated by said evaluating operation to said diagnosis communication device specified by said identifying information of the diagnosis communication device associated with received target person identification information" are limitations that are a shift in scope from that previously presented, and would require further search and consideration.

Continuation of 11: Applicant argues that MacCarter does not disclose "monitoring center is configured to/capable of calculating accounting information indicating a charge to the medical professionals who use the monitoring center", Examiner respectfully submits that this limitation recited in dependent claim 12, and rejected under 35 USC 103 (a) as being unpatentable over by MacCarter in view of Haller. Haller discloses "calculate accounting information indicating a charge to said doctor who uses said communication device for diagnosis" in paragraphs 0179 and 0180 and the motivation for this rejection is increasing patient empowerment, lower healthcare costs (Haller; paragraph: 0183).

Applicant also argues that claims 6 and 19 have the limitation explained above, but the Examiner respectfully submits that neither claim 6 nor claim 19 recite the limitation of: "monitoring center is configured to/capable of calculating accounting information indicating a charge to the healthcare provider depending on the information provided to said health care provider as claimed".

Applicant argues that MacCarter does not teach "notifying the result of the evaluation to the target person and said doctor carrying out said diagnosis on said target person", Examiner would like to submit that MacCarter teaches notifying the medical professional in col. 5, lines 31-38 and notifying the patient in col. 6, line 56 to col. 7, line 6.

Applicant argues that Lebel does not teach "a diagnosis unit for carrying out dialogic diagnosis on the target person" as recited in claim 9, Examiner respectfully submits that MacCarter teaches a dialogic diagnosis unit in col. 5, lines 24-30 and col. 6, lines 29-32. Lebel teaches a voice generating unit for generating a plurality of voice messages in col. 24, lines 33-44.

Applicant argues that Haller does not teach "calculating a charge to the doctor or healthcare provider, Examiner respectfully submits that Haller teaches this limitation at paragraphs 0179 and 0180 (communication module charges may be billed to patient's healthcare provider) and as explained in the final action mailed 10/04/2006.

In addition, Applicant argues features that have not been entered as of the present communication.